

FTA Webinar Series: March 1st Webinar for Bus-only Agencies Webinar Transcript

March 1, 2016 1:00 – 2:37 PM ET

Valerie (Operator): [0:02] I'd like to welcome everyone to today's webinar on the proposed National Public Transportation Safety Plan and the Public Transportation Agency Safety Plan NPRM. My name is Valerie, and I'll be your operator for today's webinar. Before we get started, I'd like to go over a few items so you know how to participate in today's event.

[0:24] On your screen, you should see a control panel on the left side of your application interface. In that control panel, you'll find several panes including: "Ask a Question," "Answered Questions," and "Event Resources." Everyone joining the session today is in listen-only mode.

[0:42] If you have any technical support issues, please send a question through the "Ask a Question" box and we'll reply as soon as possible. If you have questions about the content of today's webinar, we also encourage you to send those questions through the "Ask a Question" section of the control panel. You may send in your questions at any time during the presentation. We will collect your questions and address as many as we can during the live Q&A session that will be conducted at the end of today's presentation.

[1:12] You can also download several handouts, including today's presentation, from the "Event Resources" pane. We will also be conducting a few polls during the event today. The presenters will alert you when these polls are coming and we will publish the results to you at the end of the event.

[1:30] Now, I would like to introduce Matt Welbes, Executive Director of the Federal Transit Administration. Matt?

Matthew Welbes: [1:38] Hello everyone and welcome to our second FTA webinar on the proposed National Public Transportation Safety Plan and the Agency Safety Plan Notice of Proposed Rulemaking. Today, we're going to give you an overview of these two important documents that go hand in hand. Both are intended to make public transportation safer based on the principles and practices of Safety Management Systems, or SMS.

[2:04] As many of you know, FTA requested, and in 2012 Congress provided our agencies with, additional authority for public transportation safety across the nation. Transit is the safest form of public transportation - of surface transportation, rather -- and our goal is to maintain and improve upon that longstanding record. The changes to Federal transit law made by MAP-21 in 2012 also required FTA to publish the documents we're talking about today.

[2:31] The first of these documents is the proposed National Public Transportation Safety Plan. It is not a regulation. It does set forth how we're going to lead the effort to manage safety risks within our nation's public transportation systems. The proposed National Safety Plan sets the targets and defines the goals that we'll all be working toward together, as required by Federal statute.

[2:56] The second is the Public Transportation Agency Safety Plan Notice of Proposed Rulemaking, or NPRM. This is a regulation.

[3:05] Under this proposed rule, any public transportation system that receives Federal financial assistance would be required to implement a comprehensive safety plan based on Safety Management System principles. The rule would require those organizations to detail how they're going to meet the safety goals put forward in the National Public Transportation Safety Plan.

[3:28] That is one of the important ways in which these two proposals are linked together, and why we're covering them both today. We've worked hard to receive your input over time as we establish our safety framework. It's important for us to understand your questions and any concerns with the proposed rulemaking, and the plan that we're discussing today.

[3:51] After the comment period closes for the rulemaking and for the plan, we will review all the comments we receive. We'll use what we learn from you to clarify the issues at hand, so that we can improve safety for the entire public transportation industry, and the people who rely on public transportation every day.

[4:10] Your role in this rulemaking is very important. I want to thank you very much for your participation and your time today communicating with us. Now, I'm going to turn it back over to Donna Aggazio, who will introduce our speakers.

Donna Aggazio: [4:26] Thank you, Matt. Hello everyone. I'm Donna Aggazio from FTA's Office of Transit Safety and Oversight. We appreciate everyone's time today to be on this webinar. Today, our focus is on the content of the NPRM, and the proposed National Safety Plan. This is an ideal time to ask questions about the proposals. However, we will not be taking questions about implementation, so that we can focus on the content.

[4:58] We are recording the webinar, and it will be available at a later date. To explain the Agency Safety Plan NPRM and the proposed National Safety Plan, we have Candace Key, who is Acting Chief of the Safety Policy and Promotion division for the FTA, Michael Culotta, Regional Counsel for the FTA, and Brian Alberts, Program Analyst for the FTA.

[5:29] Here to review the proposed National [Transportation] Safety Plan is Candace Key.

Candace Key: [5:36] Thank you, Donna. I'd like to start off just going over what we will be discussing today. I'll begin with an overview of FTA's safety authority, and then go into a discussion of the proposed National Public Transportation Safety Plan.

[5:54] I'll turn the mic over to Michael Culotta and Brian Alberts to discuss the Public Transportation Agency Safety Plan Notice of Proposed Rulemaking, and then how to submit public comments, further opportunities to learn more about each of these documents, and questions.

[6:15] A little bit about today's webinar. Today's webinar is a forum for FTA to explain what is covered in the proposed document. It is a recorded presentation that will be made publicly available in the docket for both documents and on FTA's website.

[6:34] Today's webinar is not a public hearing, characteristic of a formal rulemaking process. Instead, today's webinar provides an opportunity for FTA to discuss both documents and an opportunity for the public to ask clarifying questions.

[6:53] Today's webinar is not an opportunity for the public to ask questions regarding implementation, to provide comments on implementation, or to provide suggestions related to the proposal. For your comments

to be formally considered during the rulemaking process, please formally submit them to the docket for both documents.

[7:17] It is extremely important for members of the transit industry, including small providers, to participate in the rulemaking and policy development process. Your comments will impact the development of both a final rule and final plan.

[7:31] In addition, your comments help to create a strong record to support the rational basis needed for issuing final documents. This means that submissions to the docket that are most influential are those that contain data, cite source materials, and provide rationale to support the comments.

[7:56] Going to our next slide, what you see in front of you are all of the several regulatory components of the Public Transportation Safety Program. As Donna mentioned, the administration first transmitted safety legislation to Congress in December of 2009. Many of the provisions sought in the administration's bill were included in MAP-21 when it was signed into law in July of 2012.

[8:26] With MAP-21, this is the first time since the inception of the Federal Transit Program in 1964 that FTA has had the regulatory role with respect to safety. MAP-21 gave FTA long sought authority to establish safety performance criteria for all modes of public transportation and establish minimum safety performance standards for public transportation.

[8:50] In addition, MAP-21 significantly strengthened FTA's ability to address outstanding NTSB and OIG recommendations, correct known deficiencies in the staffing and qualifications of State Safety Oversight Agencies, and apply lessons learned to strengthen our industry's safety posture.

[9:12] With MAP-21, FTA finally has a strong foundation from which to build a commonsense approach that is both scalable and flexible. In May, 2013, former administrator Rogoff announced to the industry through a dear colleague letter that FTA's new safety authority would be based on the principles and methods of SMS.

[9:35] Now, I'll provide you with a brief overview of the status of each of FTA's safety-related rulemakings. On February 27th, 2015, FTA issued a Notice of Proposed Rulemaking to transform and strengthen the State Safety Oversight of rail fixed guideway public transportation systems.

[9:57] Consistent with the statute, this rulemaking will require financial and legal independence for state safety oversight agencies. FTA expects to issue a final rule for state safety oversight this year.

[10:12] Also, on February 27th of 2015, FTA issued interim provisions for a public transportation safety certification training program. These interim provisions set a mandatory curriculum and training requirements for Federal State Safety Oversight Agency personnel and Transit Agency personnel who are directly responsible for safety oversight.

[10:41] On December 3rd, 2015, FTA issued an NPRM proposing to adopt the interim provision as its initial regulatory training requirement. FTA expects to issue a final rule for the training program later this year.

[11:00] On February 5th of this year, FTA issued an NPRM for the Public Transportation Agency Safety Plan, which Mike and Brian will discuss today. On that same day, we issued a proposed National Public Transportation Safety Plan which I will discuss today as well.

[11:21] Finally, on August 14th, 2015, FTA issued a Notice of Proposed Rulemaking to set substantive and procedural rules for FTA's administration of the Public Transportation Safety Program.

[11:34] The Safety Program rule would formally adopt SMS as the foundation for FTA's approach to safety oversight, and all future safety policy and rulemaking; set the procedures whereby FTA would conduct inspections, investigations, audits, examinations, and testing of facilities, equipment, rolling stock, and the operation of public transportation systems, and set the procedures where FTA may take enforcement actions against a public transportation system. FTA expects to issue a final safety program rule later this year.

[12:16] Moving on to the next slide, I'll provide an overview of the MAP-21 Performance Management Framework. MAP-21 created a performance-based and multi-modal program to strengthen the U.S. surface transportation system. By focusing on national goals, increasing accountability, and improving transparency, these changes will improve decision making through better informed planning and programming.

[12:43] The United States Department of Transportation is implementing the new MAP-21 performance management requirement through a number of rulemakings released in several phases. MAP-21 directs the Secretary to undertake rulemaking to establish standards and measures that support the seven national goals.

[13:05] FTA is tasked with developing the following performance-based components. A National Public Transportation Safety Plan that includes performance criteria for all modes of public transportation, which I'll discuss today, a Public Transportation Agency Safety Plan Rule, which would include a requirement that transit providers set performance targets based on the criteria established in a National Safety Plan, and a rule for a national Transit Asset Management System, which would include performance measures established by FTA and target-setting requirements for transit operators.

[13:45] In addition, FTA and FHWA, the Federal Highway Administration, are jointly working on a rule to manage statewide and metropolitan planning, which would incorporate both the asset management and safety performance plans and targets into the state-wide and metropolitan planning process.

[14:06] Where are we in the process with respect to the documents that we'll discuss today? In October of 2013, FTA issued a joint Advanced Notice of Proposed Rulemaking on both Transit Asset Management (TAM) and Safety.

[14:25] As I mentioned, on February 5th of this year, FTA published both the proposed National Safety Plan, and the Agency Safety Plan Notice of Proposed Rulemaking. The comment period for both documents closes on April 5th, after which FTA will review and analyze the comments, finalize policy, and issue both a final rule and a final plan, and then they'll become effective. I do want to note that FTA will not be formally extending the comment period for either docket. However, we will accept late-filed comments to the extent practicable.

[15:09] Now, let's begin our discussion of the proposed National Public Transportation Safety Plan. FTA's first proposed plan includes four chapters and three appendices. Through MAP-21 and the FAST Act, Congress has required FTA to create and implement a National Public Transportation Safety Plan to improve the safety of all public transportation systems that receive funding under 49 U.S.C. Chapter 53.

[15:50] Pursuant to the statute, the plan must include five components. Safety performance criteria for all modes of public transportation, the definition of the term "state of good repair," which will be developed under a transit asset management rule, minimum safety performance standards for public transportation vehicles used in revenue operations that are not regulated by another Federal agency, minimum safety standards to ensure the safe operation of public transportation systems, and a safety certification training program.

[16:30] Why do we need a National Safety Plan? Our national well-being is dependent upon the provision of safe, efficient, and reliable public transportation. Injury rates for transit modes have been trending upwards since 2002. Transit operators will need to balance competing priorities to expand service, operate existing service, and replace and maintain existing capital assets, all while ensuring that operations are safe for their employees and the riding public.

[17:04] The National Public Transportation Safety Plan will contribute to improved safety performance by meeting the statutory objectives, and communicating the FTA's approach to improving the safety performance of the public transportation industry. The proposed National Plan is intended to guide the collective effort to managing safety risk within our nation's public transportation system.

[17:28] The plan is based on a proactive approach to safety risk management that is outcome-focused and emphasizes safety performance. As Matt mentioned, this is not a regulation. However, transit providers are required, would be required to set safety performance targets based on the criteria in the proposed plan. FTA intends for future iterations of a National Safety Plan to be published in the Federal Register for public notice and comment.

[18:04] The first chapter of the proposed National Safety Plan is the "SMS Framework." FTA actually published this document, or posted this document, on its website last fall. The SMS Framework is a foundational implementation guide for the transit industry that provides a brief overview of SMS concepts, describes attributes of an effective SMS, presents FTA's adopted SMS components and sub-components, and presents SMS development phases and sample paths. Now, we're going to take a moment to do our first poll.

[18:44] [pause]

Candace: [18:57] Have you had the opportunity to read FTA's SMS Framework document, either when it was published initially on our website or in the proposed national plan?

[19:07] [pause]

Candace: [19:22] Moving on to chapter two of the proposed national plan, "Safety Performance Management." Safety performance management is a tool which allows transit providers and FTA to identify safety concerns and monitor progress in safety improvement.

[19:41] As I mentioned, MAP-21 expanded FTA's responsibility and authority for safety programs by requiring safety performance measures and targets. FTA will set performance measures and transit agencies will select targets for those measures that directly address their safety concerns and benefit their SMS programs.

[20:05] FTA's safety performance criteria are measures that focus on the reduction of safety events and fatalities and injuries of people accessing and riding public transportation, the employees who operate and maintain the system, and pedestrian cyclists and drivers of other vehicles affected by the safe operation of public transportation vehicles.

[20:26] In its first proposed plan, FTA is proposing four criteria. The first is fatalities, which is measured as the total number of reportable fatalities and rate per total unlinked passenger trips by mode. The second is injuries, measured as the total number of reportable injuries and rate per total unlinked passenger trips by mode.

[20:52] The third is safety events, measured as the total number of reportable events and rate per total vehicle miles by mode. The last is system reliability, which is measured as mean distance between failures by mode.

[21:09] With respect to system reliability, another way to put it is on-time performance, a measure of on-time performance, which is an existing common measure within the industry.

[21:22] FTA has consistently stated that there is a nexus between state of good repair and safety. Moreover, the law explicitly links the two. As I mentioned, the National Safety Plan must include the definition of “state of good repair” that is developed under an asset management rule.

[21:39] Transit agencies must set performance targets based on the state of good repair criteria established in a National Safety Plan.

[21:49] The proposed reliability measure is intended to be a proxy for the impact that asset condition has on safety performance.

[21:59] [pause]

Candace: [22:06] The final chapter of the proposed National Safety Plan is “Managing Safety Risks and Ensuring Safety Performance.” As I mentioned at the top of this part of the presentation, the FTA intends for the national plan to guide the collective effort to improving safety performance within the industry. FTA also intends for the national plan to be its primary communication document and reporting out of the industry safety performance.

[22:38] Finally, FTA intends for the plan to be a repository for guidance, technical assistance, tools, and other documents and best practices and procedures to help the industry in moving forward in improving its safety performance.

[22:57] In its first proposed national plan, FTA has proposed several minimum, voluntary performance standards for vehicles and voluntary performance standards for transit operation. Again, these proposed standards are voluntary. While FTA encourages transit agencies to adopt these proposed standards, they are not mandatory.

[23:30] Now, I will turn the mic over to Brian and Mike to discuss the Public Transportation Agency Safety Plan Notice of Proposed Rulemaking.

Michael Culotta: [23:42] Thank you, Candace. My name is Michael Culotta. I’m FTA’s Regional Counsel in New York City, and I co-wrote the Public Transportation Agency Safety Plan Notice of Proposed Rulemaking with Brian Alberts in our Safety Office.

[23:58] Today, we’re going to walk you through that rulemaking, and we’re going to tag team back and forth on each of the slides.

[24:06] The first slide here is the Table of Contents for our proposed Public Transportation Agency Safety Plan Rule. I’d like to move to the next slide on the legal authority for this rule.

[24:20] Through MAP-21 and the FAST Act, Congress has required each operator of a public transportation system that receives FTA funds to develop and implement a Public Transportation Agency Safety Plan.

Brian Alberts: [24:35] Thanks, Mike. This is Brian Alberts from our Office of System Safety. I'm our Policy Lead and a Program Analyst, and I also wrote the Public Transportation Agency Safety Plan Notice of Proposed Rulemaking.

[24:47] In the NPRM, FTA proposes to implement 49 U.S.C. 5329(d) by adding a new Part 673 to Title 49 of the Code of Federal Regulations. Also in the NPRM, FTA summarizes and responds to public comments that were received on its October 3rd, 2013 Advanced Notice of Proposed Rulemaking, or ANPRM.

[25:11] One other thing I wanted to mention as we go through these slides is we're following the sections of the NPRM.

Michael: [25:20] Each operator of a public transportation system that receives Federal financial assistance under 49 U.S.C. Chapter 53, including recipients and sub-recipients, would be required to develop and implement a Public Transportation Agency Safety Plan.

[25:40] The rule would not apply to a transportation operator that only provides service closed to the general public and only available for a particular clientele.

[25:52] For example, the rule would not apply to a transportation operator that is a sub-recipient under FTA's Enhanced Mobility of Seniors and Individuals with Disabilities Program under Section 5310 that is a non-profit or community service organization providing closed-door service, such as a church.

[26:14] The rule also would not apply to commuter rail service that's regulated by the Federal Railroad Administration, and the rule would not apply to passenger ferry service that's regulated by the United States Coast Guard.

Brian: [26:28] To move on and talk about the role of the State, each State is going to be required, or is proposed to be required, to draft and certify a Public Transportation Agency Safety Plan on behalf of all recipients and sub-recipients under 49 U.S.C. 5310 and 5311 and any small public transportation provider located in that state.

[26:50] We are proposing to define "small public transportation provider" as a sub-recipient or recipient of funds under FTA's Urbanized Area Formula Program at 49 U.S.C. 5307 that has 100 or fewer vehicles in revenue service and does not operate a rail-fixed guideway system.

[27:08] We did this to be consistent with the TAM, or Transit Asset Management, Notice of Proposed Rulemaking that came out last year.

[27:17] Also, any of these transit agencies may opt to draft and certify their own plans. An agency can actually do their own plan if they would like.

[27:26] If the State drafts and certifies the plan on behalf of a transit agency, then that transit agency is required to carry out and implement the plan. All the small operators including 5310, 5311, and small 5307 operators are actually required to carry out and implement their own plans, even if the State drafts and certifies the plan on their behalf. This includes the SMS section or Sub-part C of the proposed rulemaking.

[27:51] Finally, a State Safety Oversight Agency is required to review and approve each plan of a rail-fixed guideway system under its jurisdiction.

[28:02] This graphic you can see here lays it out for you to see. A State is required to draft and certify safety plans for Section 5310 recipients and sub-recipients, Section 5311 recipients and sub-recipients, and small Section 5307 recipients and sub-recipients. As I stated, this is 100 buses or less in revenue service.

Michael: [28:29] FTA recognizes the administrative and financial burden that this rule may have on the industry. To assist States and transit agencies with the drafting and development of their safety plans, FTA intends to provide templates, checklists, guidance, and technical assistance to the industry.

Brian: [28:51] Next up, we talk about certification enforcement. FTA proposes to use its existing Certifications and Assurances process to satisfy the requirement of certification. Each transit agency or state is required to annually certify it has a plan compliant with the rule.

[29:09] Also, to ensure compliance with the rule, we're proposing to use the existing triennial review and state management review process. We've decided to do this because it's a process that's in place and that grantees know all about already.

Michael: [29:30] Each transit agency or state would have one year after the effective date of the final rule to draft and certify a safety plan. A rail transit agency with an existing systems safety program plan under 49 CFR Part 659 may keep that plan in effect until one year after the effective date of the final rule.

[30:01] Since it's Super Tuesday, we have another polling question. Do you currently have a formal safety plan in place?

[30:09] [pause]

Brian: [30:22] Moving on to the next slide, talking about the coordination with the planning process. Each transit agency is required to make its safety performance targets available to states and metropolitan planning organizations, or MPOs, to assist with the selection of safety performance targets at the state and MPO levels.

Michael: [30:44] I'd like to spend a few minutes and discuss the general requirements for each agency safety plan. First, each agency safety plan must be signed by an accountable executive and approved by the agency's board of directors or an equivalent authority.

[31:03] The accountable executive is the individual who has the ultimate responsibility and accountability for the implementation and maintenance of the safety management system of the transit agency.

[31:16] They would also have responsibility for carrying out the agency's transit asset management plan, and they would have control or direction over the human and capital resources necessary to develop and maintain the agency safety plan and the agency's asset management plan.

[31:35] If the agency does not have a board of directors, an equivalent authority may approve its safety plan. An equivalent authority would be an entity that carries out duties similar to that of a board of directors and would have sufficient authority to review and approve a public transportation agency's safety plan.

[31:56] For a city operator, the equivalent authority could be a mayor, for a county operator, the equivalent authority could be a county executive, or for some of the smaller operators across the country, the equivalent authority could be that agency's grant manager.

[32:15] The second major requirement for each agency safety plan would be a safety management system, and Brian and I will discuss that in more detail in a few moments. Third, the agency, each transit agency would

have to set safety performance targets which would be based on the FTA's safety performance criteria in the National Public Transportation Safety Plan.

[32:45] Fourth, the agency would have to ensure that the agency's safety plan complies with FTA's Public Transportation Safety Program, and FTA's National Public Transportation Safety Plan. Finally, every agency safety plan would have to include a process and timeline for an annual review and update of the plan.

[33:08] There is a special requirement for rail transit operators only. Each rail transit agency would be required to have an emergency preparedness and response plan as part of their safety plan. This is a carryover requirement from the existing state safety oversight rule under Part 659.

Brian: [33:33] Moving on to the next slide to introduce and discuss SMS, or Safety Management Systems. In 2013, then FTA administrator Peter Rogoff distributed a "Dear Colleague" letter letting the industry know of the agency's intention to move forward with our full adoption of SMS for safety. Through this, each agency will need to include in its Public Transportation Agency Safety Plan, a safety management system.

[34:04] As you can see here in this slide, it consists of four elements, or components, or pillars. These include, first Safety Management Policy, Safety Risk Management, Safety Assurance, and Safety Promotion. In the following slides, we'll go into these a little more in depth. Each of these components should work together to provide a proactive, comprehensive approach to mitigating and eliminating safety events. The system is flexible and should be scaled to fit the unique needs of each transit agency's operating environment, which includes large and small transit systems as well as urban, and rural, and bus, and rail systems.

[34:45] This system integrates safety into all aspects of a transit agency's activities from planning, to design, to construction, to operations, and to maintenance. Now, we're going to go on to our third poll, and this question is have you started incorporating SMS – or Safety Management Systems – principles within your organization?

[35:05] [pause]

Michael: [35:17] Now, Brian and I are going to talk you through each of the different pillars of SMS. The first pillar is Safety Management Policy, and through this pillar of SMS, each agency would draft a written statement of safety policy and communicate throughout the agency. That safety policy would include safety objectives and performance targets and a confidential employee reporting program that would allow staff to report unsafe conditions up to senior management without fear of reprisal.

[35:51] The safety policy also would identify the organizational accountabilities and safety responsibilities for the agency's accountable executives, chief safety officer, senior agency leadership, and key staff responsible for safety.

Brian: [36:12] The next pillar or component of SMS is Safety Risk Management. Through this, we're asking each agency to establish a process for identifying safety hazards, a process for evaluating the safety risk associated with those hazards, a process to prioritize the safety risk, and finally a process for implementing safety risk mitigations.

Michael: [36:40] The third pillar of SMS is Safety Assurance. This pillar really involves the continual monitoring of an agency's system to identify unsafe hazards. Through the safety assurance pillar of SMS, the transit agency would establish a process for monitoring compliance with, and the sufficiency of, its internal

operations and maintenance procedures. It would also develop a process for monitoring its operations to identify hazards not identified through the safety risk management process that Brian just mentioned.

[37:18] There would be a process for identifying any safety risk mitigation that was ineffective, inappropriate, or not implemented as intended. There would be a process for investigating safety events, for monitoring safety-related information, and for identifying and assessing any changes that may introduce new hazards or impact safety performance. Finally, the agency would develop a process for assessing safety performance and correcting any safety deficiencies.

Brian: [37:55] The next pillar or component of SMS is Safety Promotion. So we are proposing that, as part of safety promotion, each agency establish a comprehensive safety training program, which needs to include refresher training for all agency employees and contractors directly responsible for the management of safety. This is different than the safety certification training program which we already came out with a notice of proposed rulemaking for, as that rulemaking applies to those responsible for the oversight of safety.

[38:26] This training is really just the training in each individual agency, and is for those at that agency that are directly responsible for the management of safety. Many agencies may already satisfy this requirement. Also we are asking or proposing that there is a communication of performance, or safety performance throughout the organization. This includes communication on safety from leadership all the way down to frontline staff. That's a really important component of safety management systems.

[38:57] Right now, we are doing our fourth poll, and this question is does your organization currently require refresher training?

[39:05] [pause]

Michael: [39:17] I would like to spend a minute discussing the relationship between safety and asset management. Congress has recognized the nexus between safety and state of good repair. An asset that is not in a state of good repair may or may not pose an unacceptable safety hazard. FTA is proposing to bridge this nexus through its rules on safety and asset management.

[39:44] Under FTA's proposed rule for transit asset management, FTA would require transit agencies to conduct condition assessments on their assets, and under FTA's proposed agency safety plan rule, a transit agency would consider the results of those condition assessments while performing safety risk management and safety assurance activities.

[40:08] The results of the condition assessments and subsequent SMS analysis should inform a transit agency's determination as to whether an asset meets FTA's state of good repair standards, specifically the standard whereby the use of the asset in its current condition would not pose a known or unacceptable safety risk. Ultimately under both of these proposed rules, the accountable executive would have the ultimate responsibility for decision making.

Brian: [40:43] The final part of the notice of proposed rulemaking talks about recordkeeping. So FTA is proposing that agencies be required to keep records related to implementation of its safety plan, including SMS, for three years to be consistent with both the triennial and the state management review processes. This is a minimum, so agencies can actually keep records for longer if they would like to do so. It includes electronic as well as paper records.

Michael: [41:17] We welcome your comments. The public comment period for the National Safety Plan and the Agency Safety Plan notice of proposed rulemaking closes on April 5th, 2016. If you submit public comments, they must identify the appropriate docket number and regulatory identification number for either the National Safety Plan or the Agency Safety Plan NPRM.

Brian: [41:49] As you can see here, there are a number of ways to provide your feedback and submit your public comments. We encourage you to provide it directly to the docket electronically at www.regulations.gov, but we will accept comments using the other listed methods as well, including U.S. mail, hand-delivery, and fax. Finally, we have our last poll being conducted right now. Do you plan to submit a formal comment to the public docket?

[42:18] [pause]

Michael: [42:32] FTA is hosting additional webinars this week and next week, and FTA is hosting a listening session on March 16th at APTA's legislative conference. You can stay tuned for more information on all of this on FTA's website.

Brian: [42:57] Here's the contact information for myself, Brian Alberts, as well as Candace Key and Michael Culotta, and we'd be happy to take your questions at this time.